

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

SELECT BUILD ILLINOIS, LLC,	)	
and IVAN HOLLE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 14cv8653
	)	
ACE AMERICAN INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant, ACE American Insurance Company (“ACE”), removes this action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, pursuant to 28 U.S.C. § 1441. In support, ACE states as follows:

**I. Introduction**

1. Plaintiffs, Select Build Illinois, LLC (“Select Build”) and Ivan Holle (“Holle”), initiated this action on July 22, 2014, by filing a complaint against ACE in the Circuit Court of Cook County, Illinois, entitled *Select Build Illinois, LLC, et al. v. ACE American Insurance Company*, Case No. 2014 CH 12026.

2. In their complaint, Select Build and Holle seek a declaration that, under a liability insurance policy issued by ACE, ACE must pay the defense costs and any liability incurred by non-party Realen Homes, L.P. (“Realen Homes”) in an underlying personal-injury lawsuit filed against Realen Homes by Holle.

3. Select Build and Holle served ACE with a summons and a copy of their complaint on October 2, 2014. Duplicates of the summons and complaint, which constitute all

process, pleadings, and orders served upon ACE in this action, are appended to this Notice of Removal in the attached Appendix.

4. ACE now removes this action from the Circuit Court of Cook County, Illinois, to this Court, based on diversity of citizenship, 28 U.S.C. 1332. Specifically, as stated in further detail below, the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

## **II. Amount in Controversy.**

5. In the underlying personal injury lawsuit, Holle seeks to recover damages for personal injuries he allegedly suffered from a fall while working on a construction site as a Select Build employee. Holle alleges that he suffered “severe injury, pain, and anguish” as a result of the fall, including “career-ending injuries to his neck, back and shoulder.” Holle also alleges that he “has undergone surgery for his shoulder, and further procedures are recommended to fuse his lumbar vertebrae.” Based on these allegations, the value of Holle’s underlying personal-injury claim exceeds \$75,000, exclusive of interest and costs. *Motorists Mut. Ins. Co. v. Simpson*, 404 F.2d 511, 515 (7th Cir. 1968) (in disputes regarding the applicability of an insurance policy to a particular occurrence, the amount in controversy is the value of the underlying claim).

## **III. Diversity of Citizenship.**

6. Select Build is a limited liability company. The sole member of Select Build is SelectBuild Construction, Inc. SelectBuild Construction, Inc. is a corporation incorporated under Delaware law with its principal place of business in Idaho. Accordingly, for purposes of diversity, Select Build is a citizen of Delaware and Idaho. *Cosgrove v. Bartolotta*, 150 F.3d 729,

731 (7th Cir. 1998) (the citizenship of a limited liability company for purposes of diversity jurisdiction is the citizenship of its members).

7. Holle is an individual domiciled in Illinois. Holle is, therefore, a citizen of Illinois.

8. ACE is a corporation incorporated under Pennsylvania law with its principal place of business in Pennsylvania. ACE is, therefore, a citizen of Pennsylvania.

WHEREFORE, ACE respectfully removes this case from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, based on diversity jurisdiction.

Dated: October 31, 2014.

Respectfully submitted,

s/Christopher A. Wadley

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